

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WANDA L. BOWLING

v.

LESTER JOHN DAHLHEIMER, SR., ET
AL.

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Civil Action No. 4:18-CV-610

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 7, 2019, the report of the Magistrate Judge (Dkt. #128) was entered containing proposed findings of fact and recommendations that the “Motion of Elizabeth Dahlheimer, Executrix of the Estate of Lester John Dahlheimer, Sr. to Dismiss pursuant to FRCP 12(b)(6)” (Dkt. #99) should be denied.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that the “Motion of Elizabeth Dahlheimer, Executrix of the Estate of Lester John Dahlheimer, Sr. to Dismiss pursuant to FRCP 12(b)(6)” (Dkt. #99) is **DENIED**.

The Magistrate Judge shall issue an order directing Plaintiff to file an amended complaint.

IT IS SO ORDERED.

SIGNED this 17th day of September, 2019.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE